

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JOHN P. RAYCHEL,

Plaintiff,

-against-

CAPITAL MANAGEMENT SERVICES, L.P.

Defendant.

Docket No.: 3:11-CV-06423-PGS-TJB

**NOTICE OF VOLUNTARY
DISMISSAL PURSUANT TO
F.R.C.P. 41(a)(1)**

PURSUANT TO FEDERAL RULE of Civil Procedure 41(a)(1) Plaintiff, by and through his attorneys, LAW OFFICES OF ALLISON POLESKY, P.C., herein voluntarily dismisses with prejudice this action. In accordance with Rule 41(a)(1), this voluntary dismissal has been filed before Defendants have filed an answer or a motion for summary judgment and before certification of any class.

Dated: Valley Stream, New York
February 28, 2012

LAW OFFICES OF ALLISON POLESKY, P.C.



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Attorney for the Plaintiff JOHN P. RAYCHEL

CERTIFICATE OF SERVICE

I, ERIC M. MILNER, ESQ., of counsel to the LAW OFFICES OF ALLISON POLESKY, P.C., attorneys for the Plaintiff herein, hereby certify that on February 28, 2012, I filed a copy of Plaintiffs' Notice of Voluntary Dismissal with Clerk of the Court by ECF and served a copy of said document by first-class mail on the following:

**CORY MAGNUSON
GENERAL COUNSEL FOR CAPITAL MANAGEMENT SERVICES
726 Exchange Street, Suite 700
Buffalo, NY 14210**

A handwritten signature in dark ink, appearing to read 'E. Milner', is written above a horizontal line.

ERIC M. MILNER, ESQ.